

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DERRICK RODGERS, et al.,)
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Plaintiffs,)
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v.) No. 4:12CV1482 JCH
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DEXTER BRINSON, et al.,)
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Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on Defendants' Motion for Judgment on the Pleadings as to the Claims of Plaintiff Lance Cole, filed March 7, 2014. (ECF No. 63). Plaintiffs have not responded to the motion.

In their motion Defendants assert Plaintiff Lance Cole's claims must be dismissed, as they are barred by the applicable statute of limitations. "To determine the applicable limitations period for § 1983 claims, federal courts borrow state statutes of limitations for general personal injury claims." *Granberry v. Tobias*, 2012 WL 4811170, at *2 (E.D. Mo. Oct. 10, 2012) (citing *Owens v. Okure*, 488 U.S. 235, 249-50 (1989); *Wilson v. Garcia*, 471 U.S. 261, 276 (1985)). "In Missouri, the applicable limitations period for general personal injury claims is five years." *Id.* (citing Mo.Rev.Stat. § 516.120(4) (2000)).

Plaintiffs allege Lance Cole suffered injury between March, 2004, and June, 2004. (*See* Plaintiffs' Second Amended Complaint (ECF No. 43), ¶¶ 154-159). Mr. Cole thus was required to file his claims no later than June, 2009. Plaintiffs did not file their original Complaint in this matter until August 17, 2012, however (*see* ECF No. 1), and so Mr. Cole's claims must be dismissed as untimely. *See Granberry*, 2012 WL 4811170, at *2 (citing *Lohman v. Kempker*, 34

Fed.Appx. 514, 2002 WL 992330 (8th Cir. 2002)).

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion for Judgment on the Pleadings as to the Claims of Plaintiff Lance Cole (ECF No. 63) is **GRANTED**, and Mr. Cole's claims are **DISMISSED** with prejudice.

Dated this 11th Day of April, 2014.

/s/Jean C. Hamilton
UNITED STATES DISTRICT JUDGE